

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION 3002 OF 2004
IN
CRIMINAL APPEAL NO.655 OF 2004

Manoj @ Laxman Dattatraya Phadtare

Applicant

vs.

The State of Maharashtra

Respondent

Mr.S.R.Pasbola for the applicant.

Ms.U.V.Kejriwal, Addl. Public Prosecutor for the
respondent-State.

**CORAM : R. M. LODHA &
R. S. MOHITE,JJ.**

DATED : 23rd February 2005

P.C.

Heard the learned counsel for the applicant and the
learned Additional Public Prosecutor for the State.

2. The applicant-Manoj @ Laxman Dattatraya Phadtare
has been convicted of the offence punishable under
Section 302 IPC and sentenced to undergo life
imprisonment for having committed murder of his wife.
He has also been convicted for the offence punishable
under Section 498-A.

3. The prosecution has relied upon the two dying
declarations recorded on 24.06.2000 i.e. the date of
incident. One dying declaration was made by Vaishali

(deceased) to the police Head Constable, Pimpri Police Station, while the other dying declaration (Ex.41) was recorded by the Special Executive Magistrate (PW-9). The two dying declarations clearly implicate the accused-applicant of having poured kerosene on the victim and set her on fire, as a result of which she sustained 90% burn injuries and died. The two dying declarations get support from the evidence of Dr. More (PW-10).

4. The learned counsel for the accused-applicant submitted that the accused was on bail during the trial and that he himself sustained 40% burn injuries. On the face of the two dying declarations, in our prima facie opinion, no case for grant of bail is made out.

5. Criminal application for bail is, accordingly, rejected.

(R.M. LODHA,J.)

(R.S. MOHITE,J.)